

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI**FILED**

MAR 06 2008

DAVID CREWS, CLERK  
By James Butts  
DeputyA.D. Mills

Plaintiff

v.

CASE NO.

4:08CV27-A-BM.D.O.C.  
The State Commissioner

Defendant

## PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

A.D. Mills Jr.

B. Name under which sentenced:

A.D. Mills Jr.

C. Inmate identification number:

K4561

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Unit-32-A-BldgParchman, Ms. 38738

E. Place of confinement:

M.D.O.C. at Parchman

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Christopher Epps

Title (Superintendent, Sheriff, etc.):

Commissioner

Defendant's mailing address (street or post office box number, city, state, ZIP)

723 N. President St.Jackson, Ms. 39202

Name:

LOL H Nelson

Title (Superintendent, Sheriff, etc.):

Lt. & Disciplinary Chair-person

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.Parchman, Ms. 38738

Name:

Isola Fuy

Title (Superintendent, Sheriff, etc.):

CASE Manager

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.Parchman, Ms. 38738

Name:

Timothy Morris

Title (Superintendent, Sheriff, etc.):

warden

Defendant's mailing address (street or post office box number, city, state, ZIP)

M.D.O.C.

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented?

☒ Yes

☐ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☒ Yes

☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

ON 9-24-07 I TALKED TO WARDEN MORRIS in unit 32 Holding Tank, and TOLD him about the situation in which I WAS ACCUSED OF taking a pack of Cigarettes, and \$10 from an officer placed in Adm Seg, Stripped (Property restrictions) didn't see nor receive an B.V.R. Warden Morris said he saw one. So I started talking to him about policy, and he acknowledged, and I started the grievances then about me being denied due process also

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

IN the instance I spoke of in C-above Warden Morris told me to write the disciplinary Chairperson, and explain to her what I told him he said something wasn't right about it (the B.V.R.) I do that go to disciplinary on 10-14-07 over the 20 day limit in Policy found guilty appealed my 1<sup>st</sup> step, 2<sup>nd</sup> step, third step also "SEE" D-continued which shall serve as an EXHIBIT - Key for proof of responses, and filings as also dates to such filings:

D- Continued  
**EXhibit - Key**

- 1) EXibits - A-B-C are Dates the  
ABP Lady Brought me All responses  
to my Appeal filings
- 2) EXibit - D is my response to All  
the denials I was handed down
- 3) EXibits E, F, & G are the Dates, and  
persons that denied me responses, and denials
- 4) EXibit H is certificate
- 5.) EXibit - I Property Restriction receipt
- 6.) EXibit - J my copy of detention notice
- 7.) EXibit - K Motion To Show Cause filing:
- 8.) EXibit - L Answer by Judge of Show Cause motion

40-A

EXHIBIT - A

MISSISSIPPI DEPARTMENT OF CORRECTIONS  
Administrative Remedy Program

ARP Number MSP - 07 3185

Date: 11/14/07

Received By: [Signature] 24561  
Inmate Number

Witness: [Signature] [Signature]  
Name Title

1 Form ARP-1 - Offender's relief request form

       Form ARP-2 - First step response

       Form ARP-3 - 2nd step response

       Form ARP-4 - 3rd step response

       5-Day Extension

       Step Two Denial / Step Three Denial

       Certificate

       Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

41-A

EXHIBIT - B

MISSISSIPPI DEPARTMENT OF CORRECTIONS  
Administrative Remedy Program

ARP Number

MSP - 07 - 3185

Date:

12/11/07

Received By:

D. 714

Inmate

K4561

Number

Witness:

D. 714

Name

CLP

Title

Form ARP-1 - Offender's relief request form

Form ARP-2 - First step response

☒ Form ARP-3 - 2nd step response

Form ARP-4 - 3rd step response

5-Day Extension

Step Two Denial / Step Three Denial

Certificate

Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

53A

EXIB. 7 - C

MISSISSIPPI DEPARTMENT OF CORRECTIONS  
Administrative Remedy Program

ARP Number MSP 07 3185

Date: 2/12/08

Received By: [Signature] 24561  
Inmate Number

Witness: [Signature] [Signature]  
Name Title

\_\_\_\_\_ Form ARP-1 - Offender's relief request form

\_\_\_\_\_ Form ARP-2 - First step response

\_\_\_\_\_ Form ARP-3 - 2nd step response

\_\_\_\_\_ Form ARP-4 - 3rd step response

\_\_\_\_\_ 5-Day Extension

\_\_\_\_\_ Step Two Denial / Step Three Denial

\_\_\_\_\_ Certificate

\_\_\_\_\_ Other

2nd page of this receipt is to be returned to the Legal Claims Adjudicator to become part of Inmate ARP# file.

OFFENDER'S ORIGINAL

**Special Note:** Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Write below, as briefly as possible, the **facts** of your case. Describe how **each** Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

ON 9-22-07 I was locked down  
 and stripped searched in which I was  
 stripped of the little property I had  
 (property restriction) placed in Adm seg after  
 an officer to Traise A.D. Shavers pointed me  
 out and said that's him he got my cigarettes  
 and \$10 I don't care about the \$10 I  
 just want my cigarettes this took place in  
 unit 32-A-Bldg B-Zone Tier 1 I was in  
 cell 62 cut me a detention notice on  
 the 23<sup>rd</sup> of September 2007 watch Commander  
 Cpt Porter did; sent me to C-Bldg on  
 the Death row Tier Tier 2 A-Zone on  
 the 24<sup>th</sup> day of September which was a  
 Monday I was transferred back to A-Bldg  
 after I talked to Warden Morris in the holding tank;



AS ALSO placed behind a steel door  
cell 15 tier 1 A-Zone:

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I would ask this honorable court to review the Exhibits to show that I exhausted my grievance & administrative avenues enabling me to bring forth these claims before this court. I was deprived of a liberty interest being the fact that I'm an innocent man in prison fighting my case through the court. I can't make calls at the proper moment to get support to help expose my illegal conviction or the fact that it hindered me being able to get B-Custody so that I could apply for a Hardship transfer close to home my parents get around, but they are up there in age I want to be close so they won't have to drive far. I would like an evidentiary hearing conducted so I could present, and explain facts, and remedy I seek:  
(SEE 10 Cont.)

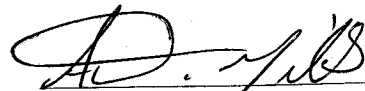
This Complaint was executed at (location):

M.D.O.C. Parchman Unit-32-A

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

3-3-08



Plaintiff's Signature

## 10 Continued

I would like for this  
Honorable Court to set a date,  
and time for this Matter to be  
heard so that the proof can be  
presented for purposes to show this Court  
this action is not frivolous or malicious  
in hopes that my relief seeking to  
have B.V.P. # 786017 dismissed from my  
file, and all Court Cost, and fees be  
assessed to Defendant in this action

X. D. M.D.  
Plaintiff Signature

## Certificate of Service

I A. D. Mills have caused to be  
mailed a True, and Correct Copy  
of a 42 USC § 1983 Complaint to the  
below said this 3<sup>rd</sup> day of March, 2008

D. Mills  
Signature

Ms. Margaret Winters  
A.C.L.U.  
P.O. Box 2242  
JACKSON, MS. 39225

U.S. District Court  
Pro Se Law Clerk  
Northern District  
P.O. Box 704  
Aberdeen, Ms. 39730

Jim Norris / Possible  
Attorney for Defendant  
M.D.O.C. PARCHMAN  
PARCHMAN, MS. 39738

Jim Norris  
Shall present  
copies to Defendants  
in this Action:

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP-07-3185

## OFFENDER'S RELIEF REQUEST FORM

EXHIBIT - D

Type or use ball-point pen.

TO: Lt. Lela Nelson

First Step Respondent

Area 11

Location

FROM: A.D. Mills # K4561

Offender's Name and Number

32A

Housing Unit

Date of Incident

☒ ACCEPTED. This request comes to you from the Legal Claims Adjudicator. See the attached request from the offender. Please return your response to this office within 10 days of this date.

☐ REJECTED. Your request has been rejected for the following reason(s):

10-30-07

Date

A.D. Mills

Legal Claims Adjudicator

## SECOND STEP (Pink Copies)

On 11-14-07 (date), I received a written response to my First Step request. I am not satisfied with this response because The Disciplinary Chair-person Lt. Lela Nelson denied my request simply because she stated

I presented no new evidence which I did, and  
she did not even address my claims nor said that  
I afforded my disciplinary rights & procedures

Therefore, I am commencing the Second Step by sending the pink copy of this form (ARP-1), the pink copy of the First Step response (ARP-2), to the Superintendent. This request must reach the Superintendent's office within 5 days of my receiving the First Step response.

11-19-07

Date

A.D. Mills

Signature

## THIRD STEP (Light Yellow Copies)

On 12-11-07 (date), I received a written response to my Second Step request. I am not satisfied with this response because Lawrence Kelly failed to investi-

gate my claims or who-ever that handles these  
pre-worded responses I presented new evidence "SEE" continued

I am commencing the Third Step by sending the light yellow copy of this form and the light yellow copies of my First and Second responses, to the Commissioner. This request must be sent within 5 days of my receiving the Second Step response.

12-17-07

Date

A.D. Mills

Signature

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER

MSP - 07 - 3185

## FIRST STEP RESPONSE FORM

EXIB. 7 - E

Type or use ball point pen. You must return your response to the Legal Claims Adjudicator within 10 days of the date the request was initiated.

TO:

A. S. Mills # K4561

Offender's Name and Number

32A

Housing Unit

FROM:

Lola Nelson

Person to whom 1st Step is Directed

C5/032

Title/Location

Your request on R/K 786017 for violating rule 8 is denied, there is no new evidence to support your claim.

11-8-07

Date

Lola Nelson

Signature

If you are not satisfied with this response, you may go to STEP 2 by filling out the second step section of Form ARP-1 and sending the pink copies of ARP-1 and ARP-2 to the Superintendent. It must be received in the Superintendent's office within 5 days of the date of this response.

**INSTRUCTIONS TO RESPONDENT:** Send original along with STEP 3 and STEP 2 copies to the Legal Claims Adjudicator. Keep Respondent's copy. **NOTE:** A copy of all documents referenced in the response must be attached and returned to the Legal Claims Adjudicator.

**INSTRUCTIONS TO OFFENDER:** This original is for you to keep.

OFFENDER'S ORIGINAL

**MISSISSIPPI DEPARTMENT OF CORRECTIONS**NUMBER MSP - 07 - 3185**SECOND STEP RESPONSE FORM**

(SUPERINTENDENT)

EX-16.7-F

Type or use ball point pen. You must respond to the offender within 25 days of receipt of the offender's request.

TO: <u>A.D. MILLS #K4561</u>	<u>32-A</u>
Offender's Name and Number	Housing Unit
FROM: <u>LAWRENCE KELLY</u>	<u>MSP</u>
Superintendent	Institution

Your request for Administrative Remedy concerning your appeal of RVR #786017, entitled "Stealing," was received in our office on November 26, 2007, and has been investigated by the Administrative Remedy Program.

Disciplinary staff heard your RVR and you were found guilty of the specific charges against you. Our investigation determined that all due process requirements were met and all applicable policies and procedures were followed. Therefore, since you have presented no new evidence or testimony, which effects the decision of being found guilty by the Disciplinary Department, your request for appeal is denied.

12/5/07

Date

Lawrence Kelly

Superintendent's Signature

If you are not satisfied with this response, you may go to STEP 3 by filling out the third step section of ARP-1 and sending the light yellow copies of ARP-1, ARP-2, AND ARP-3 to the Commissioner, Mississippi Department of Corrections. These forms must reach his office within 5 days of the date of this response. NE

**INSTRUCTIONS TO SUPERINTENDENT:** Send original and STEP 3 copy to the inmate. Keep Superintendent's Copy.

**INSTRUCTIONS TO OFFENDER:** This original is for you to keep.

**OFFENDER'S ORIGINAL**

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP - 07 - 3185**THIRD STEP RESPONSE FORM**  
(COMMISSIONER)*EXIB. 7-5*

You must respond to the OFFENDER within 40 days of receipt of the appeal of the STEP 2 Response.

TO: A. D. Mills #K4561

Offender's Name and Number

MSP

Housing Unit

Your request for Administrative Remedy involves a complaint to the effect that you have been improperly determined to be guilty of RVR #786017.

The staff of the Administrative Remedy Program has received and investigated your grievance and the following determination has been made:

You were afforded the opportunity to testify at a Disciplinary Hearing and to call witnesses to testify in your behalf. All due process of law requirements were met and all applicable policies and procedures were followed.

The Disciplinary Officer made a determination of guilty based upon a consideration of all the testimony and documentary evidence.

Therefore, based upon the facts outlined above, your request for further relief is hereby denied.

1/23/08  
DateChristopher B Epps  
Signature

**INSTRUCTIONS TO OFFENDER:** This original is for you to keep.

**IF YOU ARE NOT SATISFIED WITH THIS RESPONSE, YOU MAY WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS DECISION, SEEK JUDICIAL REVIEW.**

**OFFENDERS ORIGINAL**

EX-167-H  
CERTIFICATE

Re: ARP# MSP-07-3185

CLASS: RVR

Inmate states that RVR #786017 should be expunged from his file. However, he has  
failed to provide sufficient evidence to support his claim.

This document is to certify that Inmate A. D. Mills  
MSP# K4561, has fulfilled the requirements of the administrative  
Remedy Program and is eligible to see judicial review within 30 days of  
receipt of the Third Step Response.

A copy of the Third Step Response Form must be attached to this  
certificate in order to file in either State or Federal Court.

This, the 23<sup>rd</sup> day of January, 2008.

Tracey Sanders  
Tracey Sanders, Administrator  
Administrative Remedy Program

Inmate's Signature and Inmate Number

Date Received



EXIB. 7 - I

## PROPERTY RESTRICTION

Offender's Name: A. D. Mills MDOC# K4561START DATE: 9/22/07 END DATE: 9/25/07

EXTENDED DATE: \_\_\_\_\_ END DATE: \_\_\_\_\_

ITEM	AMOUNT	COMMENT
Bath Towels	1	
Face Towels	1	
Work Shirts		
Tee Shirts		
Socks	1 pair	
Under Shorts		
Pants	2	
Sheets	2	
Blankets		
Pillow		
Mattress		
Laundry Bag	1	
Coat		
List Personal Property		
mail	2 bag	
chess pieces	1 bag	
Ramen noodle	4	
bible	2	
Shower shoe	1 pair	
Books	● ● 7	
magazine	4	
legal mail	4 packets	
envelops	5	

When placing an offender on property restriction the above form must be completed and the offender's property placed in a secure area in the building.

Offender's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Officer's Signature: Capt. O'Bannon Date: 9/22/07  
Confiscating Officer

Offender's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Issuing Officer

MISSISSIPPI DEPARTMENT OF CORRECTIONS  
DETENTION NOTICE

## PART I

DATE 9-23-07 TIME 1330INMATE NAME A.D. MillsDOC # K4561PRESENT UNIT ASSIGNMENT 32 Alpha B Zone T-1 Cell #62TO 32 Charlie A Zone T-2 Cell #3REASON FOR APPLICATION Adm. Sep Pending Disciplinary Action

FACTS On Sept 22, 2007 at approximately 2053 hrs offender A.D. Mills #K4561  
did reach into officer A.D. Shanda's pocket & stole a pack of  
Ciparillo's & ten dollars. Offender Mills is being placed on Adm.  
Sep pending disciplinary action.

Signature of Applying Authority

Position

## PART II

## TO BE READ TO ALL INMATES BY THE INSTITUTIONAL WATCH COMMANDER BEFORE BEING PLACED IN DETENTION

(1) You have the right to be provided written notice of charges or reason for detention (2) You have the right to call witnesses (3) You have the right to present written statement(s) (4) If the above involves a rule violation report(s), you have the right to have these incident(s) investigated by an investigating employee from the Disciplinary Department. (5) If a major violation, you have the right to counsel when you have been formally charged. You will meet a Classification Committee within 72 working hours. If you need more time, you have to request that time from the Classification Committee Chairperson in writing.

I HAVE RECEIVED A COPY OF THIS NOTICE:

Inmate Signature

Signature of Authority Witnessing Inmate's Refusal of Service

DATE 9-23-07 TIME 1620

Position

Check if inmate refused ( )

Signature of Approving Authority

## PART III

DATE OF HEARING

TIME

NAME OF WITNESSES:

AUTHORITY

INMATE

## PART IV

FINDINGS OF CLASSIFICATION TEAM (72 HOUR REVIEW)

Signature of Team Chairman

cc: 1st Copy Records  
 2nd Copy Inmate  
 3rd Copy Area Case Manager Supervisor  
 4th Copy Area Case Manager Supervisor / Case Manager  
 5th Copy Area Case Manager Supervisor / Unit Administrator  
 6th Copy Area Case Manager for Inmate

To: The Circuit Court Clerk of  
Sunflower County

Copy

Mrs. Sharon McFadden

P.O. Box 576

Indianola, Ms. 38751

Enclosed is an original, and 3 copies  
of Motion To show Cause, and it's  
Attachments of Certificate of Service, and  
Affidavit of Poverty for Filing in your  
usual manner, and for you to please  
return a copy stamped "Filed" of said Motion  
with Cause Number: Thank-you

Exhibit - K

Respectfully Submitted  
By:

A.D. Mills #4561  
Unit-32-A-Bldg  
Parchman, Ms. 38738

IN The Circuit Court OF  
Sunflower County

A.D. Mills



Petitioner

V.

Cause # \_\_\_\_\_

M.D.O.C./STATE  
OF  
Mississippi



Respondents

NOTICE OF MOTION

Comes now the above named petitioner  
in the above style, and numbered cause  
as a [pro'se] litigant, and bring on for  
hearing this petition for an order to  
show cause to be heard at a time, and  
place to be set by this Honorable Court:

Respectfully submitted

By

D. M. B. K4561  
Wit - 32-A-Bldg  
Parchman, Mo. 38738

This 3<sup>rd</sup> day of December, 2007.

In The Circuit Court OF  
SUNFLOWER County

A.D. Mills



Petitioner

V.

CAUSE # \_\_\_\_\_

M.D.O.C./STATE  
OF  
Mississippi



Respondents

MOTION To show Cause

Comes now The above named petitioner  
for order to show Cause, and filed  
the said MOTION to show Cause into this  
Honorable Court, and would show to wit the Follow-  
ing:

I

Petitioner is an INMATE at (M.D.O.C.) parchman;  
As a result From an "ILLEGAL" Conviction in  
Madison County Mississippi. Petitioner is NOT ATTACKING  
His "ILLEGAL" Conviction, but that of only A  
MATTER I was Negated within this M.D.O.C.  
institution by state Authority(s):

## II

Petitioner on the date of 10-14-07 WAS Found guilty for "Stealing" on that DATE I had been in Administrative Segregation behind the steel doors pending disciplinary action 21 days from open C-Custody The Disciplinary Chair-person Took 30 days Canteen as punishment for her finding me guilty of the B.V.R. The Disciplinary chair-person name is Lt. Lola Nelson: A Couple Days After-Ward Case Manager IVY with-out no-one requesting me to be REclassified added up my points by an implemented Point system, and told me my score is 44 points which is D-Custody so she Reclassified me from Cto D Custody I said I had 44 points when you classified, and sent me to open C-custody She stated by you being found guilty of the B.V.R. I'm Reducing your Custody. Honorable Court Since the implementation of this point system I have been restricted access to it as other inmates, and no-one will explain to me how it fully operates, but in this instant situation it turned into a double edge sword that



CUT OFF my rights of the 5<sup>th</sup> and 14<sup>th</sup> Amendment of the U.S. Constitution, the right to be protected from Double Jeopardy, and the Right to Due Process: My Right to be protected from Double Jeopardy occurred when Case Manager IVY Reclassified Me To -D- Custody which was a punishment for being found guilty of R.V.R. 786017, and said I'd remain behind the steel door for 6 months when Disciplinary Took 30 days Canteen as punishment: Case Manager IVY did this in violation of S.O.P. Number 22-01-01 Line 300 through 322 which states: The Following Acts of violence and/or disturbance or any other UNLAWFUL ACT will cause an offender to be reclassified to "D" Custody status: Murder, Hostage Taking, Sexual Assault, Manufacturing, possessing or smuggling firearms, explosives, and incendiary or poisonous gas devices, ESCAPE, ARSON, organizing, instigating or causing a riot, Extortion, drug distribution, Assaulting others with an instrument capable of causing bodily harm, Having been found guilty of repeated Rule violation Report (RVR) infractions involving violence or threats of violence, Disrupting the orderly running of the institution C.I.E., Multiple refusals to work), Having been identified as a member of A Security Threat Group, A constant threat to the Physical Safety of other offenders or staff, participation in any gang-related Assault, Failure to comply with the Agency's grooming policy, Exhibiting behavior and/or actions which constitute a threat to the integrity of an investigation:

My Due Process Rights were violated when I was ~~not~~ even notified 48 hours prior to the hearing it was sprung on me, and I was not fully prepared, and when I attended the hearing I was handed a classification sheet to sign. Case Manager Ivy violated S.O.P. Number 22-01-01. Line 124 through 128 states: Request for reclassification of offenders will be initiated through assigned Case Manager. Written policy, procedure, and practice require that unless precluded for security or other substantial reasons, all inmates appear at their classification hearing and are given notice 48 hours prior to the hearing; such notice may be waived by the inmate in writing [4-4302] under S.O.P. Number 22-01-01. Due Process "MUST" be ensured as it states: When an offender is reduced from a less restrictive custody to a more restrictive custody, "C" or "D" custody, "due process" must be ensured: Your Honorable Court I discussed this deviation of policy and procedures with the Case Manager ("Ivy") Warden Morris, and Deputy Commissioner E.L. Sparkman in which the latter two named acknowledged, and were well versed in policy, and said it was ~~not~~ supposed to happen, but when I asked them to correct it neither acted upon my request which aided the injustice when they retain the power to correct it. Under S.O.P. Number 01-01-01



Compliance and Accountability At line 39 through 41

States: All personnel will be held accountable for their Compliance with **ALL** M.D.O.C. policies, procedures and forms. Any deviation from policies, procedures, and Forms will be cause for disciplinary action to include, but not be limited to, termination: Petitioner Prays that this Honorable Court will grant this petition, And enter an order requiring Respondents whom are Case Manager Ivy, Deputy Commissioner E.L. Sparkman, and Warden Morris by, and through their Counsel whom retains knowledge of the above named Respondents location to show Cause, and see this matter for an Evidentiary alternative. Petitioner prays this Court enter an order granting respondents a set time to return Petitioner back to a lesser restrictive custody (open-C), and reprimand the respondents as this Court deems necessary for Failure to comply with procedures, and policies or any other relief this Honorable Court deems to be just, and Proper under the Facts, and circumstances of this Cause:

Respectfully Submitted  
 By  
D. J. B. Pro Se Litigant

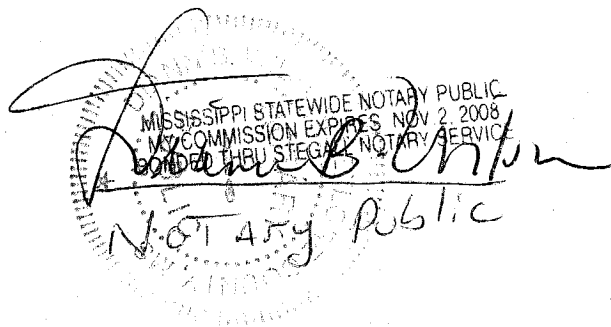
AFFIDAVIT OF POVERTY

I A.D. Mills declare under penalty of perjury my oath that because of my poverty I'm unable to pay any cost this Court could impose for said motion to show cause, and that by same oath declare that every-thing contained in and through-out motion is true, and correct in good faith I pray is well taken:

Respectfully  
A.D. Mills K4561

The above personally appeared before me  
sworn to and subscribed before me

This 3rd day of December, 2007



Certificate of Service

This is to Certify that I have  
Caused this day to be mailed, via U.S.  
Mail Postage Pre-paid because of my poverty  
through Inmate legal assistance program a True,  
and Correct Copy(s) to the below Following:

Mrs. Sharon McFadden  
Sunflower County Circuit  
Court Clerk  
P.O. Box 576  
Indianola, Ms. 38751

J. M. Norris  
Counsel For Respondents  
Parchman, Ms. 38738

NSOMBI Lambright  
ACLU of Mississippi  
P.O. Box 2242  
Jackson, Ms. 39225

Respectfully:  
A.D. Mills K4561  
Unit-32-A-Bldg  
Parchman, Ms. 38738

EXHIBIT - L

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI

A.D. MILLS

PETITIONER

VS.

CAUSE NO. 2007-0136-M

M.D.O.C., ET AL

RESPONDENTS

ORDER DISMISSING PETITION FOR AN ORDER TO SHOW CAUSE

COMES NOW, before this Court, this Petition for an Order to Show Cause, and this Court having reviewed this matter and being fully advised in the premises does hereby FIND, ORDER AND ADJUDGE as follows:

A. FACT IDENTIFICATION:

1. Petitioner was issued a Rule Violation Report and has alleged that the Respondents did not comply with policy at the issuance and hearing of the RVR.
2. Petitioner has filed this petition seeking to have the RVR removed from his record and his classification restored.

B. LAW DECLARATION AND APPLICATION:

3. This Court has stated many times that it lacks jurisdiction to act as an appellate court for the appeal of an RVR absent any Constitutional violation. See Carson v. Hargett, 689 So.2d 753, 755 (Miss. 1996).
4. Having reviewed this matter, this Court finds no due process violations, nor any reason why this Court should further review the actions of the Disciplinary Committee.
5. Further, prisoners have no constitutionally protected liberty or property interest per se in their classification assignments under the Due Process Clause. Carson v. Hargett, 689

So.2d 753, 755 (Miss. 1996). Classification assignment is an administrative task with which a court should not interfere unless there is evidence that discrimination or arbitrariness occurred in the process. Id.

**D. CONCLUSION:**

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

A. This Court finds no Constitutional violations in the RVR issued to Petitioner; as such, this Court has no authority to grant the relief requested.

B. This Court finds no reason to further review the action of the Respondents in this matter.

C. Therefore, this Court hereby denies the relief requested and hereby dismisses this cause with prejudice.

SO ORDERED, this the 2nd day of <sup>January, 2008</sup> ~~December~~, 2007.



Richard A. Smith  
Circuit Court Judge

**FILED**

JAN 03 2008

SHARON McFADDEN  
CIRCUIT CLERK

By  D.C.

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